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FROM	Kenneth Cool	
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RE	Refax of RCE papers	

COVER MESSAGE

Per you voicemail from yesterday, I am refaxing the RCE papers to you including the RCE fax receipt which apparently did not go through from the other day. I apologize for the inconvenience. Please let me know if there is anything else you need from me. My telephone is (408) 850-1229. Thank you.

Ken Cool

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Mar,29 04 12:57a

408-716-2586

p.1

Kenneth J. Cool 7290 Brixham Circle Castle Rock, CO 80108 Tel. (408) 850-1229 Fax (408) 716-2586

Kenneth J. Cool 40,570





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Faxe	(571	1) 273-0714	Pages	16		
To:	Ex.	John Brusca USPTO) From:	Kenneth J. Cool	· · · · · · · · · · · · · · · · · · ·	APR 1 4 2004

• Comments: Per your request, enclosed please find a copy of the RCE and related papers transmitted to the USPTO on Dec. 22, 2003, along with the Auto-Reply Facsimile Transmission receipt. Please note my credit card was in fact charged by the USPTO in the amount of \$860.00 on Dec. 23, 2003 for charges related to this RCE filing.

TOTAL PAGES = 16 including this cover sheet.

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USPTO 12/22/2003 6:06 PM PAGE 1/001 Fax Server TO:Auto-reply fax to 720 384 0753 COMPANY:

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9 (including cover page)

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TRANSMITTAL		Filing Date	May 01. 2001				
FORM		First Named Inventor	Kenneth J. Cool				
(to be used for all correspondence after initial	it tiling)	Art Unit	1631				
	•	Examiner Name	Brusca, John S.				
Total Number of Pages In This Submission	14	Attorney Docket Number	DTR112				
	ENCI	LOSURES (Check all that	apply	,			
Fee Transmittal Form Fee Attached Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application		ansmittal .	After Allowance communication to Technology Cenler (TC) Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprletary Information Status Letter Other Enclosure(s) (please Identify below):		ogy Center (TC) mmunication to Board and Interferences mmunication to TC ide, Brief, Reply Brief) Information er osure(s) (please		
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Firm Kenneth J. Cool		T AT LIOANT, AT TORNE	_ 1 , 0	T. AGEN	<u> </u>		
or Individual name 40,570					:		
Signature Signature							
Date December 22, 2003							
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Signature	1			Date	Dec. 22, 2003		

This collection of Information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/30 (09-03) Approved for use through 07/31/2006, OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Request 09/846,985 Application Number for May 01 2001 Filing Date Continued Examination (RCE) Kenneth J. Cool First Named Inventor **Transmittal** Address to: Art Unit Mail Stop RCE Commissioner for Patents Brusce John S. Examiner Name P.O. Box 1450 Alexandria, VA 22313-1450 DTR112 Attorney Docket Number This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Exemination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application, See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise, if applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s). Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked. Consider the arguments in the Appeal Brief or Rely Brief previously filed on Amendment/Reply Information Disclosure Statement (IDS) iii. Affidavit(s)/ Declaration(s) Other Miscellaneous Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required) Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. RCE fee required under 37 CFR 1.17(e) ii. Extension of time fee (37 CFR 1.136 and 1.17) Other Check in the amount of \$ _ Payment by credit card (Form PTO-2038 enclosed) WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED Name (Print/Type) Kenneth J. Cool Registration No. (Attorney/Agent) 40.570 Date December 22, 2003 CERTIFICATE OF MAILING OR TRANSMISSION Thereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patente, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. Name (Print/Type) | Kenneth J. Cool Signature

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, ADRAMATION NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Signature Date Dec. 22, 2003 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2. Void date: 04/15/2004 AUDNDAF1 04/15/2004 AUDNDAF1-00000019 09046-985 04/15/2004 AWANDAFI 00000019 09846985 -365.00 09

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Complete if Known **FEE TRANSMITTAL** Application Number 09/846.985 Filing Date MAY 01 200 for FY 2004 First Named Inventor Cool Effective 10/01/2003, Patent fees are subject to annual revision. Examiner Name BRUSCA, JOHN X Applicant claims small entity status. See 37 CFR 1.27 Art Unit 631 TOTAL AMOUNT OF PAYMENT DTR112 Attorney Docket No. FEE CALCULATION (continued) METHOD OF PAYMENT (check all that apply) 3. ADDITIONAL FEES Money Order Other Check Credit card arge Entity | Small Entity Deposit Account Fee Code Fee (\$) Fee Code Fee Description Deposit <u> Fee Paid</u> Account 1051 130 2051 65 Surcharge - late filing fee or oath Number Deposit 1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet Account Name 130 1053 130 Non-English specification 1053 The Director is authorized to: (check all that apply) 1812 2,520 1812 2,520 For filling a request for ex parte reexamination Credit any overpayments Charge fee(s) indicated below 920' Requesting publication of SIR prior to Examiner action 1804 Charge any additional fee(s) or any underpayment of fee(s) Charge fee(s) indicated below, except for the filing fee Requesting publication of SIR after Examiner action 1805 1.840 1805 1.8401 to the above-identified deposit account 1251 110 2251 55 Extension for reply within first month **FEE CALCULATION** 210 Extension for reply within second month 1252 420 2252 1. BASIC FILING FEE 475 1253 950 2253 (475) Extension for reply within third month arge Entity Small Entity Fee Description Fee Paid 1254 1,480 2254 740 Extension for reply within fourth month 2255 1,005 Extension for reply within fifth month 1255 2,010 1001 770 2001 385 Utility filing fee 1401 2401 330 165 Notice of Appeal 2002 170 1002 340 Design filing fee 1407 330 2402 165 Filing a brief in support of an appeal 1003 530 2003 265 Plant filing fee 145 Request for oral hearing 1403 290 2403 1004 770 2004 385 Reissue filing fee 1451 1.510 1451 1,510 Petition to institute a public use proceeding 1005 160 2005 80 Provisional filing fee 1452 2452 55 Petition to revive - unavoidable SUBTOTAL (1) (\$) 1453 1.330 2453 665 Petition to revive - unintentional 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1501 1.330 2501 665 Utility issue fee (or reissue) Ext<u>ra Claim</u>s below 1502 480 2502 240 Design Issue fee Total Claims -20* 1503 640 2503 320 Plant issue fee Independent 130 Petitions to the Commissioner 1460 130 1460 Multiple Dependent 1807 50 1807 50 Processing fee under 37 CFR 1.17(o) Large Entity | Small Entity 180 Submission of Information Disclosure Stmt 180 1806 1806 Fee Description 40 Recording each patent assignment per Fee Fee Code (\$) Fee Fee Code (\$) 8021 40 8021 property (times number of properties) 1202 18 2202 9 Claims in excess of 20 385 Filing a submission after final rejection (37 CFR 1.129(e)) 1809 770 2809 Independent claims in excess of 3 1201 88 2201 43 385 For each additional invention to be examined (37 CFR 1.129(b)) 1203 290 2203 145 Multiple dependent claim, if not paid 7/0 1810 2810 ** Reissue independent daims 1204 86 2204 43 over original patent 1801 770 2801 (385) Request for Continued Examination (RCE) 385 900 Request for expedited examination of a design application 1205 18 2205 "Reissue claims in excess of 20 1802 900 1802 and over original patent Other fee (specify) (\$) SUBTOTAL (2) *Reduced by Basic Filing Fee Paid SUBTOTAL (3) **(\$**) **or number previously pold, if greater: For Reissues, see above (Complete (if applicable)) SUBMITTED BY Registration No. Telephone (408)850 -1229 Name (Print/Type) 40,570 KENNETH J. (Attorney/Agent)

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U.S. Potont and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Complete if Known FEE TRANSMITTAL 09/846.985 Application Number MAY 01, 200 Filing Date for FY 2004 First Named Inventor C001 Effective 10/01/2003, Patent focs are subject to annual revision. Examiner Name BRUSCA, JOHN

Applicant claims small entity status, See 37 CFR 1.27 Art Unit 1631 DTRIIZ TOTAL AMOUNT OF PAYMENT (\$) 860 Attorney Docket No. FEE CALCULATION (continued) METHOD OF PAYMENT (check all that apply) 3. ADDITIONAL FEES Other Check Credit card arge Entity , Small Entity Deposit Account: Fee Code Fee Description Deposit (\$) Fee Paid Account 1051 130 2051 65 Surcharge - late filing fee or oath Number Deposit Surcharge - late provisional filing fee or 1052 50 2052 25 cover sheet Name 1053 130 1053 130 Non-English specification The Director is authorized to: (check all that apply) 1812 2,520 For filing a request for ex parte reexamination 1812 2,520 Credit any overpayments Charge fee(s) indicated below 920° Requesting publication of SIR prior to 1804 9201 1804 Charge any additional fee(s) or any underpayment of fee(s) Charge fee(s) indicated below, except for the filing fee 1805 1805 1,840* Requesting publication of SIR after 1,840 Examiner action to the above-identified deposit account. 2251 110 Extension for reply within first month FEE CALCULATION 210 Extension for reply within second month 1252 420 2252 1. BASIC FILING FEE 475 (475) Extension for reply within third month 950 2253 1253 arge Entity Small Entity Fee Fee Fee Description Fee Paid 1254 1.480 2254 740 Extension for reply within fourth month Code (\$) 1255 2,010 2255 1.005 Extension for reply within fifth month 1001 770 2001 385 Utility filing fee 1401 330 2401 165 Notice of Appeal 1002 340 2002 170 Design filling tee 1402 330 165 Filing a brief in support of an appeal 1003 530 2003 265 Plant filing fee 1403 290 2403 145 Request for oral hearing 1004 770 2004 385 Reissue filing fee 1451 1.510 Petition to institute a public use proceeding 1005 160 2005 Provisional filing foe 1451 1,510 1452 110 2452 55 Petition to revive - unavoidable SUBTOTAL (1) (\$) 1453 1.330 2453 665 Petition to revive - unintentional 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1501 1,330 2501 665 Utility issue fee (or reissue) 1502 480 240 Design issue tee Total Claims 1503 640 2503 320 Plant issue fee Independent Claims 130 Petitions to the Commissioner 1460 130 146D Multiple Dependent 1807 50 1807 50 Processing fee under 37 CFR 1.17(q) Large Entity (Small Entity 1805 180 1806 180 Submission of Information Disclosure Stmt Fee Description 40 Recording each patent assignment per Fee Fee Code (\$) Code (\$) 8021 40 8021 property (limes number of propertie 1202 18 2202 Claims in excess of 20 Filing a submission after final rejection (37 CFR 1.129(a)) 1809 770 2809 1201 86 2201 43 Independent claims in excess of 3 1203 290 Multiple dependent claim, if not paid 385 For each additional invention to be examined (37 CFR 1.129(b)) 2203 145 770 Reissue independent daims 1204 86 2204 385 over original patent 1801 770 2861 (385) Request for Continued Examination (RCE) 1802 900 1802 900 Request for expedited examination 1205 2205 ** Reissue claims in excess of 20 18 and over original patent of a design application Other fee (specify) (\$) SUBTOTAL (2) *Reduced by Basic Filing Fee Paid (\$) 860 SUBTOTAL (3) ""or number previously paid, if greater, For Reissues, see above (Complete (if applicable)) SUBMITTED BY Registration No. Telephone (408) 856 -1229 Nastro (Prins/Type)

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J.

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Docket No.: DTR112

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APR 1 4 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

09/846,985

Confirmation No. 3901

Inventor

Cool, Kenneth J.

Filed

May 01, 2001

Art Unit

1631

Examiner

Brusca, John S.

Title

Electronic Hybridization Assay and Sequence Analysis

PRELIMINARY AMENDMENT

MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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Docket No.: DTR112 Appl. No.: 09/846,985

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408-716-2586

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Docket No.: DTR112

INTRODUCTORY COMMENTS

Status & Request for an Extension of Time

This Preliminary Amendment is submitted in reply to the final Office Action dated March 21, 2003 for which the shortened statutory period was set to expire on June 21, 2003. A Notice of Appeal was filed on July 21, 2003, along with an accompanying extension of time request. An appeal brief was thereby due on September 21, 2003. The Applicant is filing herewith a Request for Continued Examination (RCE) along with an accompanying extension of time request to extend the date on which the appeal brief would be due. A completed Fee Transmittal form along with a credit card payment form is submitted herewith. Authorization to charge any appropriate fee, or to credit any overpayment, to the credit card identified in the credit card payment form, is hereby given. It should be noted that December 21 falls on a Sunday, to the period of response expires on Monday, December 22, 2003.

Docket No.: DTR112 Appl. No.: 09/846,985